

7/13/20

**MINUTES MEETING
Town of Halfmoon Planning Board
July 13, 2020**

Those present at the July 13, 2020 Planning Board meeting were:

Planning Board Members:

Don Roberts –Chairman
Marcel Nadeau- Vice Chairman
John Higgins-absent
Tom Koval
Richard Berkowitz
Thomas Werner
Mike Ziobrowski

Planning Board Alternates:

Charlie Lucia-absent
Brendan Nielsen

Coordinator- Building, Planning and Development:

Richard Harris

Senior Planner / Stormwater Management Technician:

Paul Marlow

Town Attorney:

Lyn Murphy

Deputy Town Attorney:

Cathy Drobny

Town Board Liaison:

John Wasielewski
Jeremy Connors

Town Engineer:

Joe Romano
Joel Bianchi

Chairman Don Roberts opened The Planning Board Meeting at 7:00 pm

Don Roberts: Good evening, I would like to call the meeting to order, have the Board members had a chance to review the minutes from the last meeting? Can I have a motion to approve please?

Rich Berkowitz: I make a motion to approve.

Tom Koval: Ill second the minutes

Don Roberts: All In favor? (All were in favor) Opposed? (None were opposed) Motion Carried. Before we go any further I would like to introduce our new Town engineer, Joel Bianchi from MJ Engineering, welcome.

Public Hearing:

20.056 Holistic Veterinary Center, 26 Ponderosa Drive – In Home Occupation

Don Roberts: Please step up to the microphone and say what you want to do. Please say your name and address for the record.

Dr. Pamela Scerba: Hi Im Dr. Pamela Scerba, I reside at 26 A Ponderosa Drive, I have a Holistic Veterinary practice, I do own a duplex so what Im proposing to do is to work 800 sq. ft. out of the B side, to see a limited number of clients each day. It will be 4 days a week , the hours will be 9 to 3 , I would see clients between 9 and 1 and that would be 1 client an hour , some people have two animals so I would see them together, so that's my proposal.

Don Roberts: What did you say your hours of operation were going to be?

Dr. Pamela Scerba: 9-3 Monday through Thursday, and that would be after the kids go to school on the bus and we would be done before they came home, no weekends, no evenings, no emergencies, no new patients, I am pretty well established I don't need new clients, I don't want anyone to know where I live, there will be no sign up there. If I didn't put a proposal in I don't think anyone would even know I was doing this.

Don Roberts: Okay thank you we will now open the public hearing, and we have a number of emails that we will enter into the record right?

Richard Harris: Yes , correct we received a number including up until about 5 o'clock today , I have provided a copy to each board member and the applicant , and they will be part of the record and part of the file, again all of the Board members have copies, you received them either by email and have hard copies.

Don Roberts: Okay thank you, now to the best of our knowledge is there anyone waiting outside here that would like to speak?

Richard Harris: I will go check the hall we do have a couple of people on Microsoft teams hat would like to speak.

Don Roberts: Okay we will do that first then, do we have their names?

Paul Marlow: We have a Latisha, a Kevin, and a Shalom.

Don Roberts: Latisha if you are out there please say your name and address and any comments that you want to make.

Latisha Hicks: My name is Latisha Hicks I actually live at 32 Ponderosa drive , we are I believe approximately two houses down from this location, we do have some concerns about traffic in the neighborhood there are quite a

few children here as well as the fact that the school bus is actually right here right in front of our house two doors down from where she would be operating not to mention the current conditions of the house I would be a little concerned with a business running out of there with the current state of the location we are referring to , there are definitely some concerns on our end over here. I would like to ask how this neighborhood is even zoned for a business.

Richard Harris: It's not, its zoned residential but under the Town of Halfmoon we have a section of our Town Code that allows home occupations within certain restrictions to apply and to appear before the Planning Board for what's known as a special use permit where the Board is required to hold a public hearing and notify at a minimum adjacent properties, the Board decided to notify well beyond the adjacent properties to the project so it is zoned residential but there is a process for in very limited circumstances with restrictions on applicants to appear before the Board, can apply , can appear before the Board , can have a Public Hearing and then the Board can decide. Some of those restrictions are that the business cannot occur physically outside of the home, that visitors must park off road, meaning on a driveway or parking lot, driveway if its residential, there is restrictions on noise , odors for the Board to consider, it's called a special use permit , it's a not a use as of right they call it or a principal permitted use as if this was on route 9 which is zoned commercial, the applicant can apply , can ask and then the Board has to hold a public hearing before making a determination either yes or no.

Latisha Hicks: Is there business currently happening out of this site because we have already seen quite a bit of traffic there not to mention people parking in the circle in front of our home, im sure if they are going there or where ever they are going but that driveway is pretty small I can't imagine being able to facilitate people parking with a business.

Don Roberts: M'am are you currently operating out of your house?

Dr. Pamela Scerba: No I am not that traffic is my tenant.

Richard Harris: Did you hear that?

Latisha Hicks: Yes I did

Don Roberts: Okay thank you for your comments, Michele you're up Michele Bauman please say your name and address and any comments you may have.

Kevin and Michaela: This is Kevin and Michaela we live at 28 Ponderosa Drive, which is next door, I want to support home businesses and everything, our biggest concern with this are the hours of operation are way longer and way more than their current business is allowed for.

Richard Harris: Are you aware that she amended her application to reduce her hours?

Kevin and Michaela: I am not

Richard Harris: Okay this happened late last week she has amended her application to reduce her proposed hours to Monday through Thursday from 9 am to 3 pm no Friday or Saturday and a little later in the morning and a little earlier in the afternoon. Just so you are aware.

Kevin and Michaela: Okay thank you, that was our primary concern, because that was an amazing amount of hours for a home, and the other thing I had is just a single client at a time or is there going to be a que waiting at the house?

Dr. Pamela Scerba: Yes its one patient at a time it's an hour, it's very different than a traditional veterinary practice, there is acupuncture, chiropractic, Chinese herbal medicine and nutritional guidance, so there really isn't an overlap we really space them we allow enough time to see the animal, treat the animal, check the owners out before the next client comes in to the practice.

Kevin and Michaela: Do you require parking signs to like tell people they need to park in the driveway or how does that work, is signage even allowed at the property to like advertise for this how does that all work?

Richard Harris: Yea the applicant under our sign ordinance she has not applied but you can request a sign that is very limited in size, I forget the size but you would have to submit an application and you would have to come before this Board for approval, review and possible approval but it is within a certain size there is a very limited size restriction, she has not applied for that right now.

Dr. Pamela Scerba: And can I say I am not planning on having, I don't want anyone knowing where I live, my practice is pretty well established so I am going to pick and choose who I take into my house and so they will be told, the clients that I have now will all be told where to go but no I am not planning on having a sign to do business.

Kevin and Michaela: And for parking is there going to be a no parking signs or is it just going to be word of mouth to your clients?

Dr. Pamela Scerba: Yea so the Town House allows me to have 3 cars and they must be off street so my driveway could hold 6 cars so I don't see how there is going to be any problem with parking especially with there only being one client there at a time there would be less traffic on our street.

Kevin and Michaela: Okay is there going to be any construction to your home or renovations that would affect us?

Dr. Pamela Scerba: No, I'm only allowed to use 800 sq. ft. so im not planning on doing any major renovations.

Kevin and Michaela: And ae you going to have animals that go out into the back yard or is it all going to be internal?

Dr. Pamela Scerba: I will treat the animals and you know People will probably walk the animals in my yard and the people will pick up, but no there is going to be no boarding, no hospitalization, they will come and get their treatment and they leave.

Kevin and Michaela: Yea because we have 2 small dogs that try to get over to your side all of the time and I've been trying to fence it up better but I just wanted to make sure that there was not going to be more reason for them to try to get over there if we could. I think you've answered all of my questions. Oh and you plan on renting that space on the other side?

Dr. Pamela Scerba: Yes I plan on staying, on the A side, you know I've lived in this neighborhood over 20 years and I have the same concerns as all my neighbors and so I would not do anything that is detrimental I walk those streets, I see all the traffic, I supported the stop signs so I plan on living here as well.

Kevin and Michaela: And are your tenants staying as well?

Dr. Pamela Scerba: No, even if I don't get this variance or special use permit, those tenants are not staying.

Kevin and Michaela: Okay that was another primary concern to me, alright thank you.

Don Roberts: Latisha you have another question for the Board?

Latisha Hicks: Yes I just have one more question, we have a Homeowners Association has this been run through the Homeowners bylaws and rules that we are supposed to adhere to?

Dr. Pamela Scerba: I searched the homeowner's regulations and rules and I didn't see anything in there that prohibited this.

Latisha Hicks: Yea I spoke to the business advocate for Maple Ridge Homeowners Association and I was under the impression that there might be a different viewpoint on that.

Don Roberts: You might want to look into that, this Board, our Board has no control over that.

Lyn Murphy: The Planning Board for the Town of Halfmoon doesn't have the authority to enforce HOA rules, the president of the HOA sent us a letter, an email actually that said the rules and regulations in Maple Ridge amended March 1998 paragraph 15 states, residential purposes only with some verbiage that follows that, again you should be aware of that but this Board does not have the authority to enforce HOA rules that would be a civil action brought on by the HOA or one of the neighbors.

Latisha Hicks: Okay.

Don Roberts: So even if this Board approves this application the HOA can still say no.

Lyn Murphy: Yes

Don Roberts: Okay if there is anyone else out there on Microsoft that would like to speak please say your name and address and any comment that you might have.

Kamran Baig: Yes, my name is Kamran Baig, I own the property at 24 Ponderosa drive right next door, I am not very comfortable having a veterinary hospital right next to my property. To me its first when I read the bylaws it's not allowed in the bylaws, secondly you know when I read up about home occupations, they have to be incidental and customary, and this is neither incidental or customary because its 6 days a week from 8am to 8 pm operation

Richard Harris: Excuse me, she did amend her application I mentioned a little while ago to Monday through Thursday 9 am to 3 pm and no hours on Friday or Saturday so she has adjusted her days of the week and her hours so you are aware 9 am to 3 pm Monday through Thursday.

Kamran Baig: Okay its better but it still takes away from the residential character of this neighborhood. We made that street Ponderosa drive not a through street because we wanted to limit that traffic through that street and now we are putting a business in there, which is going to cause more traffic to come through that street, there are kids on that street riding bikes, people walking. So I do not agree with this Holistic Veterinary hospital right next to my property.

Don Roberts: Okay thank you Sir.

Dr. Pamela Scerba: I wanted to say something about the Homeowners Association about what they allow and what they don't and actually I have more trouble with these tenants , they have a pool back there , they had a trampoline that wasn't allowed , the current tenant had boats in the driveway that weren't allowed.

Don Roberts: I understand what you're saying but that's not our issue, that's up to you to report not us just so you are aware.

Dr. Pamela Scerba: No, I'm just saying, he is saying my practice is going to bring down the neighborhood, there is things going on too that are not allowed.

Don Roberts; I understand , I understand your point but that's not our concern at this point, would anyone else out there like to speak please say your name and address and any comment you have ? I'll say it one more time is there anyone else out there that would like to speak? Is there anyone from the public that is here that would like to speak please come up and say your name and address?

Sandy McBride: Good evening, I'm Sandy McBride 173 Pruyn Hill Road, I am a Halfmoon resident and I am a patient of Dr. Scerba's and I just want to say that I am in support of her staying in the Town of Halfmoon and practicing, while I don't live in the neighborhood I am a patron so I know how she runs her business, it is a very peaceful, quiet atmosphere, there is only one patient at a time. I've never gone where I've ever met, maybe once by accident someone coming or going when I was bringing my dogs there. You go in, you check in you immediately go in a room they have their treatment, you come out you pay you leave, you're the only one there. It's very quiet , it's very peaceful , my dogs have had all the treatments she gives , none of them are hurtful dogs don't bark they really quite like it , they either fall asleep or they are very relaxed, also Dr. Scerba is the only Holistic Vet in our area and I really think we need to have more options and choices and she is very different , she is not a regular vet with all the traffic and noise and people coming and going, and I think that she is an asset to the Town of Halfmoon and I would really like to see her stay. Thank you.

Don Roberts: Okay thank you Sandy, is there anyone else out there Paul? While Paul checks to see if anyone is out there, one more time is there anyone on Microsoft just say your name and address and a comment. Okay I think we are done so at this point we will close the public hearing, comments by the Board?

Tom Werner: Has there ever been any precedent for this sort of thing?

Lyn Murphy: Not that I am aware of.

Richard Harris: Not that I am aware of either.

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Rich Berkowitz: Is there anything medical, educational, deliveries out there, anything like this in the neighborhood?

Richard Harris: Yea last year the Board approved in Knox Woods two women that were going to have therapy for kids , more psychological type therapy and that's the closest since I've been here that I draw a parallel to, more common are hairdressers we have had a couple of those who see customers , we've had.

Rich Berkowitz: They weren't in neighborhoods that had HOA's?

Richard Harris: One was on Sitterly road, we had an accountant last year, if you want me to research It., we only get one or two a year, we have had a couple insurance type businesses, who do their work from home

Rich Berkowitz: Did any of these have an HOA?

Richard Harris: Not that I am aware of, not that I could recall.

Mike Ziobrowski: ...*this portion of audio is inaudible...*

Dr. Pamela Scerba: We have bio- degradable bags that they put the poop in , if you guys wanted me to have them take it home with them if it's a concern for them to put it into my dumpster , there is very little , we have one at my practice now it's about this big and when its half full we empty it once a week and we put it in the dumpster at work , but if you guys wanted them to take it with them , I don't see a problem with that just let me know so I could advise them appropriately.

Rich Berkowitz: Do you provide any lab work or take any blood samples?

Dr. Pamela Scerba: We do where I am now, and again if that's a concern I did talk with NYS Veterinary Medical Association as far as regulations as far as doing blood, they said that there isn't really anything that I would need to be concerned about, but again if that's something that you guys don't want me to do I don't need to do blood work on animals.

Rich Berkowitz: So who would pick that up a delivery service a pick- up service?

Dr. Pamela Scerba: Yes and I talked with Dr. White at the Halfmoon Animal Hospital and any samples that we had we could take over to his hospital because we use the same lab and they pick up and that would be done in the evening so that they wouldn't have to come to my house and pick up and the Halfmoon Veterinarian Hospital is right around the corner from where I live so that is the plan if I did have any blood work, we are very limited because we don't do emergencies so it is all routine so there is no need to do it right now , so the plan was to drop the samples off to the Halfmoon Veterinary Hospital and when they were there to pick up his they would pick up mine.

Rich Berkowitz: Are there x-ray services?

Dr. Pamela Scerba: No x-ray, no surgery

Rich Berkowitz: Any euthanizing?

Dr. Pamela Scerba: No we use Weinfen has got a specific veterinary euthanasia business that's all he does so we use him and our clients are very happy with him and his services and he does that for us so that's not something we offer our clients.

Tom Werner: I think you mentioned in your statement earlier that you have a stable client base so im curious to see why you originally proposed over 60 hours a week and you reduced it to 24 how did that happen?

Dr. Pamela Scerba: That came up I talked to Rich , I told him I was having some problems with my landlord and leasing and I asked him about the possibility of working out of my house and so he said there was an application process and he said if you have any questions please contact me, so I contacted him and he said I was going to put down Monday through Friday 9 – 2 and he said I would put in much longer hours and any possible day , and im like really, and he said yea so that's what I did but I mean I've worked Monday through Thursday and actually I had another vet with me, but the practice was open Monday through Thursday 9-5 but with the Covid and everything my other veterinarian is leaving, I can't really support now where im at with just myself , I think I told you guys I got hit by a car I got a concussion so I couldn't really work longer hours really if I wanted to

Richard Harris: Yea what we talked about , and you know this comes up when applicants ask about hours, we talked about a few scenarios that might push her beyond her normal hours and I said well you should ask for that because I would hate to see a situation that the Board approves you and there is a once in a while thing that turns into more common, you know a possible weekend pick up or after 3 or 4 pm so cover yourself , ask for your worst case scenario I guess is best whichever way you want to phrase it , worst case scenario and then talk to the Board about what's realistic versus what's normal but I would want you to cover those odd situations in your approval by a 5 o'clock pick up or a Friday or Saturday pick up .

Marcel Nadeau: Im looking at quite a few notes that people sent in there are 9 or 10 people that are not in favor of it, the people who are in favor of it do not live in that neighborhood, I guess if I didn't live there I wouldn't have a problem with it either, I just feel that this is a commercial business and im not in favor of it.

Tom Koval: Im thinking the same thing, im sorting through all of the letters and your neighbors tend not to want this to happen and your clients and former clients want it to happen, your clients for the most part are not my concern they are not Halfmoon residents , well some are maybe I shouldn't say that so my main concern is for your neighbors in your neighborhood and that the majority do not want this to happen, so it's our responsibility to look at it from the neighbors and neighborhoods.

Dr. Pamela Scerba: Yea, so I did talk to my neighbors on Ponderosa, especially the ones across the street I think one did write a letter that's in favor I do have the page

Lyn Murphy: They have been provided that just so you're aware.

Tom Koval: They were somewhat neutral what is that 26 Ponderosa?

Dr. Pamela Scerba: That's me Im 26 Ponderosa

Tom Koval: I'm sorry, there was one that was

Dr. Pamela Scerba: So I talked to Brad and Jenny and 23 Ponderosa and so I wanted to address anybody's concerns, like I said I want to be a good neighbor, I wanted to be sure I addressed the concerns people had and so

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after talking to them they told me that they would support it, and then I talked to Bob and Robin Antinellia and they are in between those two, I talked to him and I talked to

Tom Koval: He was neutral on it, there were 8 or 9 that were against.

Dr. Pamela Scerba: Yea so the people behind me a lot of them are from Tupelo which is, yea so they are behind me and from talking to them it seemed like their major concern was having a lot of businesses coming into the neighborhood.

Tom Koval: I agree, and being in business I understand that paying for commercial space is difficult but that is why we have residential and commercial zones, I mean what you do I understand there is a need for it, my son's brought his dog to someone down in Delmar that does the same thing, so I do understand there is a need and it does help. My concern is you're in a very residential neighborhood and I've been through that neighborhood several times and im concerned about the amount of traffic and this is a very residential neighborhood it's not a mixed use neighborhood so Im opposing it for that reason.

Dr. Pamela Scerba: Yea I think the amount of traffic that the practice would generate would be a lot less than my tenants for sure I think did they see the pictures of the cars.

Richard Harris: They have pictures in their packets and I can put them up here also.

Dr. Pamela Scerba: You know the amount of traffic them going back and forth to work , bringing one of the kids , one of the kids is a special needs kid, bringing them back and forth for treatments, having people come in to help them.

Tom Koval: That's an extraordinary tenant though that has that much in and out, I have a lot of rental property and generally we get a tenant and they leave in the morning and come back in the evening.

Don Roberts: We can talk about this all night but I think we have enough information now for the Board to make a decision, what's the Boards pleasure?

Dr. Pamela Scerba: Can I just offer before you vote consider doing a trial period, that that might be helpful?

Don Roberts: I don't think that's a good idea myself but it's not up to me.

Marcel Nadeau: Normally we don't do that.

Tom Koval: We have done it with other businesses but to be honest with you , there have been a few and from my point of view it bit us in the rear end each time the person has taken advantage of it, im not saying you're going to but , I don't think that you're the type of person that would, but with the overwhelming amount of neighbors that don't want this I have to oppose it and say you need to look for something in a commercial zone that you can afford , I realize it's not as easy as it sounds but they are out there , there are properties out there and you can rent that side of the house.

Don Roberts: What's the Boards pleasure?

Tom Koval: I make a motion to deny.

Marcel Nadeau: I second

Don Roberts: We have a motion and a second to deny, all in favor of this? (All were in favor) Opposed? (None were opposed) Motion carried, Im sorry your application was denied.

The letters and emails pertaining to the Holistic Veterinary Centers Public Hearing will be kept on file at the Town of Halfmoon Planning office.

Holistic Veterinary Center - In-Home Occupation

DENIED. *The Board held a Public Hearing and denied an application to operate a holistic veterinarian office from a portion of the existing duplex.*

Old Business:

20.043 3 Halfmoon Crossing Blvd. Project, 3 Halfmoon Crossing Blvd – Site Plan

Paul Goldman: We just wanted to come and advise the Board, we're on for County Planning Board meeting next week, then we'll be coming back here on the 27th for approval. We wanted to get in front of you guys to address your comments; we put forth everything to respond that. So we're here to answer any questions.

Don Roberts: I have a question right away, my concern was the buffering for the residential property, and you're going to put some more buffering back there right?

Paul Goldman: Yes, we don't want to interfere with the apartment complex, so the buffer will be acceptable and you'll see it on the final plan. There's enough room there, there is a difference in elevation that should hopefully be helpful.

Don Roberts: Joe you have questions?

Joe Romano: Yea, like Paul had set, we issued our letter and they provided a response, we haven't had a chance to go through the technical stuff. Couple items that came up at the first meeting was the buffering to the apartment complex but what they're showing right now, I believe the only ...*this portion of audio is inaudible...*

Chris Boyea: That's correct, and the existing trees.

Paul Goldman: There's a pretty big buffer of trees in the apartment complex and this site.

Joe Romano: As you build that access road back behind the bank, *this portion of audio is inaudible.* .

Paul Goldman: Sure we'll look at some pines or something.

Joe Romano: One of the other comments we had, all the parcels appeared to be owned by the same ownership and could be sold and have good cross access.

Paul Goldman: When we first did the Home Depot there was a reciprocal access agreement that provides internal cross access to three parcels. *This portion of audio is inaudible.*

Don Roberts: Then we should be all set

Paul Goldman: Yes

Joe Romano: One other things regarding, *this portion of audio is inaudible*. Site distance came up, they did provide documentation related to site distance at the proposed curb cut.

Chris Boyea: For the record I'm Chris Boyea, that's correct the only potential only that he has calculated into the site distance would be the sign, but there is flexibility with the sign because we haven't built it yet so we can put it on a 4 foot pole or we can put it on a 30 foot pole it depends on what the Town is willing to approve so there is some flexibility to make sure that site distance is maintained. And then also as far as the landscaping goes in we are keeping low down around that corner so that anybody that has been here and shops at Home Depot you know you can see the flow of traffic is not heavy but there is traffic here, there is a flow of traffic and you have added site distance each way coming out of the lineup up here and it comes down around route 9 its very wide open so we can maintain the same open visibility with very low grass in that area

Mike Ziobrowski: *This portion of audio is inaudible*...adequate parking? My concern is that just like...*this portion of audio is inaudible*...and traffic was out onto Halfmoon Crossing...*this portion of audio is inaudible*... are you going to be able to keep traffic in here where people are going to be able to park and if there's not adequate parking, what then?

Chris Boyea: Good questions, we were giving us heads up by the Board last meeting...*this portion of audio is inaudible*...this was part of the re-submittal but a specialty grocer generates different traffic than the general retail. So the whole PDD, we're way under the amount that is allowed by the approval; so you look at that and say we're within the thresholds. Then you look at a specialty grocer and it says we can generate up to 120 trips per hour in the peak hour, the worst time of all the weekdays.

Mike Ziobrowski: And this is Clifton Park/Halfmoon, have you parking in Halfmoon during the holidays?

Chris Boyea: This doesn't go by holidays, this goes by international traffic standards. So it's a hundred and twenty that's how we came up with those figures, if your happy with it we're happy with it, 120 spaces here. The actual comment from CHA was we're way over parked per Town Code, please justify. Town Code requires 80 spots, we have 120, so if it puts it in perspective; we said "okay, if everybody shops for an hour which I don't think they do, we could hold a whole peak hour. We did take a look at it but he did take a look at it and he did give us a heads up so we were ready to have that information with us

Rich Berkowitz: You obviously know the tenant and we don't, have you studied any other facilities it has, based on their projections...*this portion of audio is inaudible*... parking lots?

Chris Boyea: So they looked at it

Rich Berkowitz: They or you?

Chris Boyea: Well we looked at it from the description I just provided making sure that we could meet that parking was justified the additional parking was here but I feel very comfortable with the amount of parking spaces , just look at that totally there are a lot of parking spaces there.

Rich Berkowitz: If it's a different type of specialty grocery store that's in the area or out of the area coming into the area, if you study those specific grocery stores that specific store in the area they're in now, if it will cover the parking lot needs.

Chris Boyea: This was brought up at the last meeting, specifically one on Wolf Road, to take a look at specialty grocery stores and this far surpasses the parking.

Rich Berkowitz: There are other examples in the area in Latham, in Saratoga there are other stores not that store but other stores that I've been to in other cities that have parking lots that are similar sizes, yes or no you've looked at other stores with this footprint to make sure you know how the parking will be?

Chris Boyea: I have not gotten around to looking at other locations.

Rich Berkowitz: So even though you know what grocery store it is you haven't studied their traffic pattern in another location?

Chris Boyea: I have trust that they are doing their homework here on that

Rich Berkowitz: Yea but you're the engineering, shouldn't you be looking at those

Chris Boyea: we are very, very comparable we're over parked severely by Town Code, we're over parked by the PDD.

Rich Berkowitz: I believe you I just want what's comparable in our area.

Chris Boyea: I'll take a look at it.

Rich Berkowitz: I feel there is a lot of parking there and you know what a holiday might be like it might be a busy parking lot compared to a regular day

Chris Boyea: ...*this portion of audio is inaudible*...

Mike Ziobrowski: I think that you...*this portion of audio is inaudible*...

Rich Berkowitz: I'll take a look at it my office is actually right near Aldi's that's a pretty big parking lot with not a lot of problems but sometimes there are problems there, and we're cross access; sometimes the cause a problem. Like Scott Earl said earlier, sometimes they're parking in his spots instead of the Aldi's spots. It's not a common occurrence but it can happen.

Tom Koval: Is cart storage going to be in the building because I don't see anything on the exterior and if it does go outside it ends up taking up parking

Chris Boyea: Good question so what you'll notice on the site plan there are very large sidewalks next to the building and so...

Tom Koval: I've got the original

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Chris Boyea: Yea and so on the site plan it has upwards of 12 feet so there is room for cart storage adjacent to this external wall.

Tom Koval: The car coral will be on the outside?

Paul Goldman: Yea

Marcel Nadeau: One more question is there any chance of a stacking issue? ...*this portion of audio is inaudible...*

Joe Romano: I think this came up with the cross access to adjacent parcels; this pattern allows us cross access...*this portion of audio is inaudible...* and the curb cut allows us three different ways to access, three different ways to get out. So customers start seeing that and realize their other ways to get out.

Mike Ziobrowski: You can't get in on the western side...*this portion of audio is inaudible...*

...*this portion of audio is inaudible...*

Don Roberts: Anyone else?

Richard Harris: This one kind of shows it here, this is the overall kind of back access

...*this portion of audio is inaudible...*

Don Roberts: We can't act tonight because of Saratoga County Planning but hopefully we can next meeting.

Chris Boyea: And that's all we wanted to do was make sure that we could get some answers and be in a better spot for next time

Don Roberts: Okay thank you.

3 Halfmoon Crossing Blvd Project – Site Plan

TABLED. The Board received a presentation on a revised plan to construct a specialty grocery store and tabled the application pending further engineering review.

19.143 11, 12, & 14 Northern Sites Drive – Minor Subdivision (Lot Line Adjustment)

Brian Smith: Brian Smith, I am trying to get re approved for lot 14?? After a site visit if I recall correctly the only real issue left was tie the emergency road to the other side. I want to go ahead with that concept.

Tom Koval: ...*this portion of audio is inaudible...*

Brian Smith: Yes, yes

Tom Koval: So that will be done before you build on this next lot?

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Brian Smith: I think what you said was I could build on the one lot and then before anything else can be done I would have to develop the other side and put the emergency road through, that's what he said that I remember.

Tom Koval: Rich do you recall?

Richard Harris: Me? I'm sorry I didn't catch what you said.

Tom Koval: Do you recall what we said last time?

Richard Harris: Well we had re-grouped, the three of you had re-grouped at a pre-meeting and I believe Tom and Mike were generally open to a compromise, an idea of some compromise for at least one of the two permits. I do recall Tom Koval you said Im not so sure , I think he kind of reiterated what you guys said in the field which was , Im not sure I think it should go through more accommodation where as those two guys were a little bit more Im open to some ideas wit out putting too many words in your mouth, that was the just and then you came back and shared at a pre-meeting, I think I relayed it to Brian I think it was Christmas next thing we know its two months into the pandemic.

Tom Koval: So you're looking to build on 14 Northern?

Brian Smith: Yes

Tom Koval: And 12 is already built?

Brian Smith: Yea, I originally asked for 12 and 14 but you didn't want to give me both without the emergency road going through and having a plan for the other side.

Tom Koval: So now you want 14 and you still have not put in the emergency road until you do the other side.

Brian Smith: Correct, so it took seven years to get

Tom Koval: So basically you're asking for the same thing?

Brian Smith: I wanted three lots but you said you were agreeable to one lot

Tom Koval: Oh that's right because the one lot was going to be split by

Richard Harris: Yea 11 is his there is already a house on it and its landlocked so part of this which isn't the primary thing, it fixes his house being landlocked for a lack of a better way to put it it brings that green line out and he wants permits for 12 and 14 and reduce it to one lot.

Brian Smith: ...*this portion of audio is inaudible*...

Richard Harris: Sorry this was a sketch Brian had provided, this is obviously not a formal revisal it was

Mike Ziobrowski: ...*this portion of audio is inaudible*...and then you create the ...*this portion of audio is inaudible*...for that parcel...*this portion of audio is inaudible*...

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Richard Harris: Can you explain the green versus the blue versus the pink?

Brian Smith: Yea the green is the existing gravel driveway , my house is lot 11 which is further up through there and the pink rectangle is what I would like to build up for my son.

Richard Harris: 14?

Brian Smith: 14 yes, and...*this portion of audio is inaudible*...there are developers up at the other end there might be some possibilities there , that would be my concept is to have another cull de sac there and the blue would be the emergency road so I can get to the other side.

Mike Ziobrowski: Okay so your plan is to at some point in time in the future connect it but not during the construction?

Brian Smith: Right, currently up by my house my daughter's house and another neighbor it has been that way for 30 years, we have had emergency trucks up there, when my father-in-law was living with us, we created a hammer turn around at the bottom of my driveway.

Mike Ziobrowski: Okay so ...*this portion of audio is inaudible*...

Brian Smith: Right

Rich Berkowitz: Where is Sereno living?

Brian Smith: She lives on the cull de sac

Rich Berkowitz: On the cull de sac?

Brian Smith: She lives in the last house on the cull de sac

Rich Berkowitz: And then there is another house next to his

Richard Harris: He is here right, there is the cull de sac

Rich Berkowitz: Okay

Richard Harris: Oh that's his house

Brian Smith: No, that's my daughters

Richard Harris: Sorry, he's here it's not showing on this

Rich Berkowitz: He actually called me and said he had a conversation with you and he's good. So he is basically across the street from your daughter's house?

Brian Smith: Yea okay.

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Mike Ziobrowski: I'd be okay if the Fire Department is okay; if they felt okay. Maybe layout a scenario, a turn around, or an in/out of that roadway...*this portion of audio is inaudible...*

Richard Harris: I think logistically it's been a while I think we need a revised plan from ABD or whoever and send it to the fire department to review ,one question I have for the Board it's up to you, are you going to want to re do a public hearing ?

Don Roberts: I do yes

Richard Harris: Okay, alright, it's been a while and we've done that before where there has been a gap and a change that there was a lot of discussion with

Tom Koval: We will put it on for public hearing and we will put it on for the fire department

Lyn Murphy: We need the plan first

Richard Harris: Do you have any idea when you could get us the plan?

Brian Smith: I have a plan from the original that I can give you that I brought before of what this subdivision looks like.

Richard Harris: It's going to look the same right it would just be conditioning it I guess on one permit only and any obviously any further permits you would have to come back to the Board , does that sound right?

Lyn Murphy: If you create a legally buildable lot I don't know how you say you can't build on it.

Richard Harris: He' asking to subdivide it into, that plan shows those two vacant lots

Brian Smith: Well I mean it is a subdivided lot it was subdivided 30 years ago, we pay separate taxes on all the lots so

Lyn Murphy: But it doesn't have the frontage so it's not legal but once you give it frontage it is in fact a legally buildable lot, I mean I don't know how this Board prohibits a building on a legally buildable lot but I can research that while we are

Mike Ziobrowski: Are we bringing water up the road?

Lyn Murphy: The water was kind of a red herring there was some concerns about the water when we originally started talking about it and then upon further research we realized that, that had been corrected historically

Richard Harris: There had been a well study done by ABD at one point there was a lot of discussion and concern when the original project was there and then there was a study and I found nothing after that I think in my opinion it was a remnant of a big discussion before a study had gotten had gotten done that stuck in some people's heads. What about the thought of, just a thought that he doesn't, I mean after your research if that doesn't work out, you just fixed the lot lines and basically have a combined 12 and 14 so you get one permit, one building lot and then come back in the future when you are ready to resolve whatever other conditions or whatever else is discussed when you subdivide it to that lot 12.

Brian Smith: I have another partner in from back when it's like a legacy partner so I'd rather just leave it like this for as long as I can and we will just say that this is a lot and I can't build on it until everything gets fixed, that would make it easier for me.

Lyn Murphy: I'll look at it and see if I can.

Rich Berkowitz: Can we schedule a public hearing before we look into this further

Richard Harris: Do you want me to go for, I don't know is two weeks enough though?

Rich Berkowitz: Do you want to do four?

Lyn Murphy: Why don't we do four and then, yea but I don't have a problem with you scheduling it.

Richard Harris: what are we going to go forward with, this exact plan of from the fall?

Tom Koval: ...*this portion of audio is inaudible*...

Richard Harris: We are going to stay with the plan from the fall with the theoretical condition of only one permit? I mean it would be good to fix the landlocked parcel it's on, in our world so if there is a problem later on.

Rich Berkowitz: He can't build on it anyhow without our approval right?

Lyn Murphy: No once he's got a subdivided lot with frontage all he has to do is get a building permit so I just have to research if there is a way to prohibit that from happening once a lot exists they don't come back to you.

Rich Berkowitz: Okay so now we're just waiting

Lyn Murphy: Right now it has no frontage.

Don Roberts: right now there is nothing there

Rich Berkowitz: Okay

Don Roberts: A public hearing would have to be at our first meeting in August okay

Tom Koval: I make a motion to set the public hearing August 10th

Rich Berkowitz: Ill second

Don Roberts: We have a motion and a second to set a public hearing for August 10th all in favor? (All were in favor) Opposed (none were opposed) Motion carried see you on the 10th

Brian Smith: Thank you

11, 12 & 14 Northern Sites Drive – Minor Subdivision (Lot Line Adjustment)

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PUBLIC HEARING SET. Board received a presentation for a lot line adjustment on Northern Sites Drive and set a Public Hearing for August 10, 2020.

New Business:

20.066 Jennifer Khan Auto Detailing, 457 Route 146 – Change of Use/ Tenant

Tamara Sullivan: Jennifer Kahn would like to move into the space that is currently occupied by Jays Auto at 457 route 146 he will be leaving this month. She does not have her LLC yet and she hasn't applied for her dealer's license yet because she wants to make sure that she has Planning Board approval before she moves on with this and incurs any expenses. She is estimating that she is going to have fewer than 10 customers a day and all of them would be by appointments. The anticipated cars on the lot would be between 8 and 10 which is well below what Jay has on his lot every day, her hours of operation would be 11 to 7 Monday through Friday and 11 to 2 on Saturday, and any detailing that she does would be inside the shops, so there would be nothing done out on the lot

Don Roberts: Okay we really want to avoid having any of the same problems that we were having before you know.

Tamara Sullivan: Yup, the reason that Jay is moving out is because I was over there every day telling him to get his cars off the lot, or off the grass I'm sorry.

Don Roberts: So your client would be fine if we limit it to 10 cars on the lot?

Tamara Sullivan: Yea I think she would absolutely be fine with that. I think that he had parking, I think he was allowed, I want to say 15 vehicles but she estimated that she would have no more than 10.

Don Roberts: Okay if we have 10 cars that would be good, anybody on the Board have any comments?

Lyn Murphy: She is saying total cars on the lot shall not exceed 10.

Tamara Sullivan: If they would exceed 10 I think there is 15 parking spaces designated.

Lyn Murphy: She says she thinks there is 15 designated spots

Don Roberts: There are going to be workers too

Lyn Murphy: Yea we will leave it at 10 if you have to modify that you can always come back

Tamara Sullivan: Yea I think 10 would be fine

Lyn Murphy: They're going to do 12 just to be careful

Rich Berkowitz: I'll make a motion to approve the change of tenant with a max of 12 customers, cars or employee cars.

Tom Koval: Ill second

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Don Roberts: All in favor? (All were in favor) Opposed (none were opposed) Motion carried

Rich Berkowitz: That's a total of 15 cars

Tamara Sullivan: Okay great

Tom Koval: Please make sure they don't park on the lawn or behind the trees or anything like that, they can only park on the blacktop.

Tamara Sullivan: I will absolutely be on top of it like I said the whole reason Jay is leaving is because I've been over there literally every day.

Don Roberts: Also she has to come back for a sign application before a sign goes up alright?

Tamara Sullivan: Yes she will submit her own sign application, she doesn't even have the LLC or her dealers license because like I said she wanted to make sure that she was going to be approved by the Board before she did anything else

Don Roberts: Okay good, so for this item the motion is...

Rich Berkowitz: The motion is a total of 15 cars with 12 cars being for retail, and 3 cars for employees, cars are only allowed on the macadam, not in blind spots, not on the lawn not behind the trees.

Don Roberts: Can I have a second on that?

Tom Koval: Ill second

Don Roberts: All in favor? (All were in favor) Opposed (none were opposed) Motion carried, all set.

Jennifer Khan Auto Detailing- Change of Use/Tenant

APPROVED. Board received a presentation and approved the Change of Use/Tenant application to allow an automotive detail/retail auto sales business to occupy the vacant building with conditions related to the number of vehicles permitted on site.

20.070 Thermally Yours 40, Farm to Market – Change of Use/Tenant

Tamara Sullivan: Okay so similar to the other tenants that I brought to the Board a few weeks ago Thermally Yours wants to utilize one storage unit over at 40 Farm to Market Road the unit is 1500 sq. ft. and they want to use it for supplies that are related to their insulation business it's strictly for storage purposes, no retail use anything like that no outside storage and no disposal of waste on the property

Don Roberts: No working outside either.

Tamara Sullivan: No working outside either.

Don Roberts: Comments by the Board?

Marcel Nadeau: I make a motion to approve

Tom Koval: Ill second

Don Roberts: All in favor? (All were in favor) Opposed (none were opposed) Motion carried, all set.

Tamara Sullivan: Alright, thank you.

Thermally Yours - Change of Use/Tenant

APPROVED. Board received a presentation and approved the Change of Use/Tenant application to allow an insulation company to use 1,500 SF of warehouse space to store supplies/materials.

20.068 NeetNY Transmission, 13 Executive Park Drive – Change of Use / Tenant

Rich Allen: My name is Rich Allen and I work in Malta New York, I am presently President of Accelerator? Transmission of NY, I'm here to submit the application for change of use at 13 Executive Park drive.

Don Roberts: What do you do?

Rich Allen: Neet is a utility company we build offices there and a control center there, we are currently in the process of permitting and constructing a transmission line down in Niagara, Erie Canal and Western parts of NY. This center will be dual purpose one is a control center which will be 24/7 operation which will be monitoring the operation of that line and how it interacts with the electric system. The other part of the business is going to be corporate offices to support the business operations for the utility so those are going to be the principal uses. Looking at employees initially in the neighborhood of 12 , 15 out of that building but a number of them won't be there because we are a 24/7 operation so I think at any one time you're probably looking at 10 employees at the facility there. It's a regular it's not a high traffic like UPS.

Don Roberts: Now Rich did you address the notice of violation?

Richard Harris: Yes I did speak to Mr. Allen out in the parking lot about it , he is aware of a couple of the issues if you want to just explain you've got a contractor on the lawn issue and he is slow to get there, I think that's pretty much it

Rich Allen: Yea we reached out to the contractor , unfortunately I don't know the name , it's the contractor that's supporting the other offices in the park there, they should have been out in early June, I don't know why they have not been there I will follow up tomorrow, and then Rich let us know we are required to have a fire inspection, I was not aware that we were in violation there, we had them come in in February , they came in and did some work there and at that point in time I presumed that that was taken care of then, I will also follow up on that .

Richard Harris: Yea and that's probably about a year and a half ago the Town went to third party reporting and kind of education companies that they have to file it there and then we get notified it's a system and then the last one a sprinkler inspection

Don Roberts: It shouldn't be a problem

Richard Harris: No, we just need the report.

Don Roberts: Comments from the Board?

Richard Harris: Excuse me and they do have an application in, I think its pending, a building permit for a bunch of renovations so those would have to be resolved before the building side of things would give that permit out.

Rich Berkowitz: I make a motion to approve the change of use and tenant contingent on resolving the pending issues that have been discussed.

Marcel Nadeau: Seconded

Don Roberts: All in favor? (All were in favor) Opposed (none were opposed) Motion carried, all set.

Rich Allen: Thank you very much.

NeetNY Transmission– Change of Use/Tenant

APPROVED. Board received a presentation and approved the request to allow NeetNY Transmission to occupy 13 Executive Park Drive for a control center for the New York electric transmission system, with a condition related to addressing outstanding building and fire code items.

20.069 Platinum Home Mortgage, 1471 Route 9- Change of Use/Tenant

Lyn Murphy and Tom Koval recused themselves

Laurel Thompson: Im here , so Platinum is a mortgage company we are looking at renting out and office on 1471 route 9, the purpose that we are going to be using it for is we've got two employees who help work on our construction loans so they will be using it as office space , we don't anticipate to have any customers coming in because they are on the underwriting and management side of our business and the most we are going to have in terms of visitors would likely be someone coming and picking up shredding if needed.

Don Roberts: Questions by the Board?

Mike Ziobrowski: I make a motion to approve the change of use and tenant application

Rich Berkowitz: Ill second

Don Roberts: All in favor? (All were in favor) Opposed (none were opposed) Motion carried, all set.

Laurel Thompson: Thank you very much.

Don Roberts: Are you still there, there wasn't a sign right?

Richard Harris: No, no sign application request.

Mike Ziobrowski: I make a motion to close the meeting.

Rich Berkowitz: I second

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Platinum Home Mortgage-(Crescent Commons) - Change of Use/Tenant

APPROVED. Board received a presentation and approved the application to allow a mortgage origination business in the vacant space at 1471 Route 9 (Suite 205).

Don Roberts: All in favor? (All were in favor) Opposed (none were opposed) Motion carried thank you, good night everyone.